

REMARKS/ARGUMENTS

Claims 1, 5, and 6 are pending in the present application. Claims 1 and 5 have been amended. Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Misiewicz et al. (U.S. Patent No. 6,638,154).

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Misiewicz et al. The Examiner was silent regarding claims 5 and 6, but Applicant's arguments regarding claim 1 apply equally to claims 5 and 6. Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharm., Inc. v. Mayo Foundation for Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, including all claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708 15

U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). See also PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Independent claims 1 and 5 have been amended to require "placing a twisting mechanism in spaced relation to and located downstream from the hollow conical shaped restrictor." The Misiewicz patent does not teach a twisting mechanism in spaced relation to and downstream from a hollow conical shaped restrictor and instead teaches a twister housing 18 having a hollow rotatable chuck 20 that receives the meat emulsion casing 22 conventionally mounted on the stuffing tube 16. (Col. 2, lines 14-16). Hence, Misiewicz teaches the restrictor or rotatable chuck 20 as part of the twister housing and not in spaced relation located downstream from the twister housing and thus each and every limitation of claims 1 and 5 are not met. Therefore, the anticipation rejection must be withdrawn.

Additionally, claim 6 depends on claim 5 and for at least this reason is also considered in allowable form.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that claims 1, 5, and 6 are in condition for allowance, and Applicant respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 50-2098.

Respectfully submitted,



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